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28 THE SHERWIN-WILLIAMS COMPANY

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

19 CHIP-MENDER, INC.,  
20 a California corporation,

21 Plaintiff,

22 v.

23 THE SHERWIN-WILLIAMS COMPANY,  
24 an Ohio corporation,

25 Defendant.

26  
27  
28 AND RELATED COUNTERCLAIMS

CASE NO. 05-CV-3465 (PJH)

**REVISED STIPULATION AND  
[PROPOSED] ORDER MODIFYING  
CASE MANAGEMENT AND PRETRIAL  
SCHEDULE**

Pursuant to Civil L.R. 6-2, Plaintiff Chip-Mender, Inc. (“Plaintiff”) and defendant The Sherwin-Williams Company (“Defendant”), by their undersigned counsel, hereby submit the following Stipulation and Proposed Order Modifying the Case Management and Pretrial Schedule. In particular, the parties seek to modify the schedule relating to the disclosure of rebuttal experts, the close of expert discovery, the last day to hear dispositive motions, and the trial date. By and through counsel, Plaintiff and Defendant stipulate as follows:

1. This Court’s Case Management and Pretrial Order, dated January 6, 2006, set the following schedule:

- Disclosure of rebuttal experts and service of rebuttal expert reports: February 26, 2007;
- Close of expert/willfulness discovery: March 19, 2007;
- Last day to hear dispositive motions: April 18, 2007.

2. Lead counsel for Plaintiff, Kenneth B. Wilson, has taken an indefinite leave of absence for personal and medical reasons. Stefani E. Shanberg has assumed the role of lead counsel, and Mr. Wilson’s leave also necessitates the integration of new team members. In light of the change in lead counsel and the need for new team members to integrate, Plaintiff has asked to modify certain Court-ordered deadlines. Defendant has agreed to this modification. Accordingly, the parties have agreed to the following modified schedule:

- Disclosure of rebuttal experts and service of rebuttal expert reports: March 5, 2007;
- Close of expert/willfulness discovery: April 13, 2007;
- Last day to hear dispositive motions: May 30, 2007;
- Pretrial Conference: August 30, 2007;
- Trial: September 24, 2007.

3. The original date for hearing dispositive motions is particularly problematic given that Ms. Shanberg has a preexisting commitment to be in Japan on that date. Pursuant to the Court’s Pretrial Instructions, extending the date for hearing dispositive motions necessitates moving the trial date in order to maintain 120-days between the modified date for hearing of dispositive motion and the trial date. Accordingly, the parties have agreed that the trial date

1 should be moved from August 20, 2007 to September 24, 2007. This allows for a 120-day period  
2 between the modified date for hearing of dispositive motions and the trial date, as specified the  
3 Court's Pretrial Instructions, to be maintained. The pretrial conference date should be set for  
4 August 30, 2007.

5 4. The dates for Late Neutral Evaluation are not effected by these extensions of time.  
6

7 DATED: February 23, 2007 **CHIP-MENDER, INC.**

8 By: \_\_\_\_\_ /s/  
9 Stefani E. Shanberg

10 Attorneys for Plaintiff and Counterclaim-Defendant  
11 CHIP-MENDER, INC.

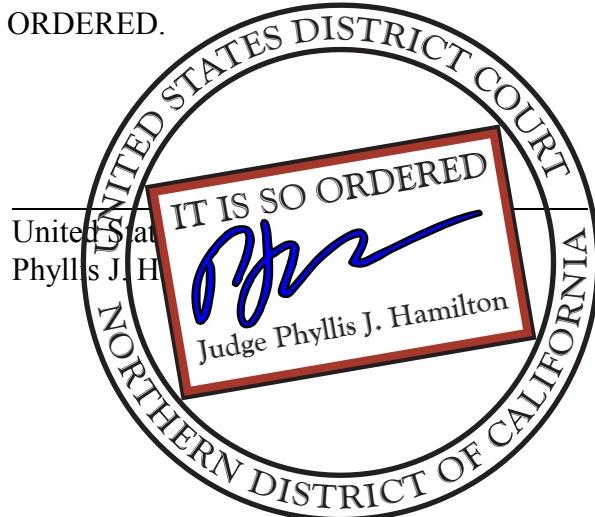
12 DATED: February 23, 2007 **THE SHERWIN-WILLIAMS COMPANY**

13 By: \_\_\_\_\_ /s/  
14 Regan J. Fay

15 Attorneys for Defendant and Counterclaim-Plaintiff  
16 THE SHERWIN-WILLIAMS COMPANY

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

18  
19 DATED: February 26, 2007



1 ATTESTATION PURSUANT TO GENERAL ORDER 45

2 I, Stefani E. Shanberg, attest that I obtained the concurrence of Regan J. Fay in filing this  
3 document.

4 I declare under the penalty of perjury of the laws of the United States that the foregoing is  
5 true and correct.

6 Executed this 23nd day of February, 2007 in San Francisco, California.

7 \_\_\_\_\_  
8 /s/  
9 Stefani E. Shanberg

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